

PCBs: Pechiney - First Set of Questions

Carmen Santos

to:

Linda.Conlan

01/22/2010 12:46 PM

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Dear Linda:

This is a follow up to my January 21, 2010 voice message to you regarding initial questions that I have on the Pechiney Application. I may send a subsequent message with additional questions. For now, here are some of the questions and requests for additional information that I have at this time. We continue to prepare the approval in parallel to the matters addressed here.

1. Application, Section 7.0: The "Certification" included in Section 7.0 of the Application does not meet the requirements in 40 CFR 761.61(a)(3). The certification needs to include the language in that section of the regulations **and** the language under "Certification" in 40 CFR 761.3 (Definitions). The certification must be **signed by both** the owner of the property and party conducting the cleanup. Please submit the required written, signed certification as soon as possible.

2. Application, Section 4.0: The evaluation of risks in Section 4.0 of the Application appears not to include an assessment of ecological risks or a justification why such an assessment would not be necessary for the Pechiney site. Please explain why ecological risks were not considered in the Application. The TSCA standard is protection against risk of injury to health and the environment.

3. Application, Section 2.2: The clarifications requested here are necessary to make certain regulatory interpretations under TSCA concerning the Pechiney site. Section 2.2 makes reference to excavation of PCB containing soils, backfilling (and sometimes also capping) of excavation areas, and capping of PCB contaminated concrete conducted in December 1998, January 1999, and April to July 1999. Please clarify under which regulatory authority were these activities conducted at the site. Section 2.2 states that "... Alcoa previously conducted remediation activities in specific areas of the Site containing PCB-impacted soil under the direction of the City of Vernon H&EC." Therefore, we believe this work may not have been conducted under an approved TSCA PCB cleanup plan. The amendments to the TSCA regulations introducing for first time the cleanup and disposal regulations for PCB remediation waste (40 CFR 761.61) were in effect in 1998. In addition, Section 1.1 (Background) of the Application states that ALCOA sold the 26.9-acre western portion of its facility to Century Aluminum in 1998, and that Pechiney purchased the 26.9-acre property in 1999. Was there an agreement between ALCOA and the purchasing parties to cleanup the property as part of the sale?

4. Application, Section 2.3.1: Section 2.3.1 (Recent Sampling Procedures) states that in 2006 Geomatrix conducted additional concrete sampling following the grid sampling requirements in 40 CFR 761.130 for self implementing PCB cleanups. This section of the TSCA PCB regulations is under the PCB Spill Cleanup Policy in 40 CFR 761, Subpart G. The requirements that should have been followed are in 40 CFR 761, Subpart N. Please confirm whether the regulatory reference is incorrect. The grid described in Section 2.3.1 is not consistent with Subpart N. USEPA also did not approve the earlier Self Implementing PCB cleanup notification that was submitted by Geomatrix to USEPA. Please provide an assessment of the sufficiency and quality of soil and concrete sampling characterization data for the Pechiney site consistent with 40 CFR 761.61(a)(2) and 40 CFR 761 Subpart N requirements. USEPA has a Standard Operating Procedure (SOP) for collection of concrete samples for PCB analysis. We can provide a copy of this SOP upon request. The sampling procedures described in Section 2.3.1 were not approved by USEPA. Potentially, depending on the method followed for collection of concrete bulk samples and the amount of sample collected, upon

crushing those samples at the laboratory, dilution of the PCBs may have occurred due to the volume of concrete in the sample. The referenced SOP contains a collection method to prevent dilution of PCBs in the concrete sample.

5. Application, Section 3.0 and 4.0: In Section 3.0 (Delineation of Impacted Areas) the Application states that ". . . the extent of PCB-impacts in concrete and those remaining in soil (including soil remaining in place after previous remediation work described in Section 2.2) have been identified in the Site areas listed below." A TSCA consent agreement and final order (CAFO) entered into by USEPA and ALCOA addressed only Building 114 at the ALCOA property. Based on our review of the CAFO, the CAFO did not include or address the "other areas" (e.g., Building 104) of the site mentioned in Section 3.0 of the Application. Based on this information, we believe that a TSCA approval to leave in place PCB contamination at the "other areas" of the former ALCOA property was not issued by USEPA including after the property was sold to Century Aluminum and Pechiney subsequently acquired the property from Century Aluminum. Please provide an assessment of the quality and sufficiency of the sampling characterization data referenced in Section 3.0 and to develop Section 4.0 (Screening-Level Human Health Risk Assessment) of the Application in accordance with the requirements in 40 CFR 761.61(a)(2) and 40 CFR 761 Subpart N.

Please let me know a convenient day and time during the week of January 25, 2010 when we could have a conference call to go over the matters addressed in this message.

Thank you for your courtesies.

Sincerely,

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